

Index# 07-CIV-9634

Filing Date

TRUSTEES OF THE BRICKLAYERS AND ALLIED CRAFTWORKERS, LOCAL
5 NEW YORK RETIREMENT, WELFARE, LABOR MANAGEMENT COALITION
AND APPRENTICE TRAINING AND JOURNEYMEN UPGRADING FUNDS, AND
BRICKLAYERS AND ALLIED CRAFTWORKERS LOCAL 5 NEW YORK

Plaintiff(s)

against

AFFIDAVIT OF
SERVICE

GEMINI CONTRACTING, INC. AND JOSEPH P. BERABO, INDIVIDUALLY

Defendant(s)

STATE OF NEW YORK, COUNTY OF DUTCHESS ss: RANDOLPH R. FREYTAG The undersigned, being duly sworn, deposes and says;
Deponent is not a party herein, is over 18 years of age and resides in the STATE OF NEW YORK
That on APR. 17, 2008 at 7:22 A.M., at 532 UPPER AVE. NEWBURGH, NY 12550
Deponent served the within SUMMONS IN A CIVIL CASE, COMPLAINT, JUDGES INDIVIDUAL RULES, USDC / SDNY
INSTRUCTIONS FOR FILING AN ELECTRONIC CASE OR APPEAL, USDC / SDNY PROCEDURES FOR ELECTRONIC
CASE FILING AND GUIDELINES FOR ELECTRONIC CASE FILING. ☒ papers served had endorsed thereon index # and date of filing
On JOSEPH P. BERNABO

INDIVIDUAL

1. ☒

by delivering a true copy of each to said defendant personally, deponent knew the person so served to be the person described as said defendant therein.

CORPORATION

2. ☐

a corporation, by delivering thereat a true copy of each to personally, deponent knew said corporation so served to be the corporation described in said summons as said defendant and knew said individual to be thereof.

SUITABLE AGE PERSON

3. ☐

by delivering thereat a true copy of each to a person of suitable age and discretion. Said premises is defendant's ☐ actual place of business ☐ dwelling place ☐ usual place of abode ☐ last known address—within the state.

AFFIXING TO
DOOR, ETC.

4. ☐

by affixing a true copy of each to the door of said premises, which is defendant's ☐ actual place of business ☐ dwelling place ☐ last known address—within the state. Deponent was unable, with due diligence to find defendant or a person of suitable age and discretion thereat, having called there

MAILING
Use with
3 or 4

5. ☐

Within 20 days of such delivery or affixing, deponent enclosed a copy of same in first class envelope properly addressed to ☐ defendant's last known residence ☐ defendant's actual place of business at and deposited said envelope in an official depository under the exclusive care and custody of the U.S. Postal Service within the New York State

on ☐ The envelope bore the legend "Personal and Confidential" and did not indicate on the outside thereof, by return address or otherwise, that the communication was from an attorney or concerned an action against the defendant.

DESCRIPTION
USE WITH
1, 2 or 3

6. ☒

<input checked="" type="checkbox"/> Male	<input checked="" type="checkbox"/> White Skin	<input type="checkbox"/> Black Hair	<input type="checkbox"/> White Hair	<input type="checkbox"/> 14-20 Yrs.	<input type="checkbox"/> Under 5'	<input type="checkbox"/> Under 100 Lbs.
<input type="checkbox"/> Female	<input type="checkbox"/> Black Skin	<input type="checkbox"/> Brown Hair	<input checked="" type="checkbox"/> Balding	<input type="checkbox"/> 21-35 Yrs.	<input type="checkbox"/> 5'0"-5'3"	<input type="checkbox"/> 100-130 Lbs.
	<input type="checkbox"/> Yellow Skin	<input type="checkbox"/> Blonde Hair	<input type="checkbox"/> Mustache	<input type="checkbox"/> 36-50 Yrs.	<input checked="" type="checkbox"/> 5'4"-5'8"	<input checked="" type="checkbox"/> 131-160 Lbs.
	<input type="checkbox"/> Brown Skin	<input checked="" type="checkbox"/> Gray Hair	<input type="checkbox"/> Beard	<input checked="" type="checkbox"/> 51-65 Yrs.	<input type="checkbox"/> 5'9"-6'0"	<input type="checkbox"/> 161-200 Lbs.
	<input type="checkbox"/> Red Skin	<input type="checkbox"/> Red Hair	<input type="checkbox"/> Glasses	<input type="checkbox"/> Over 65 Yrs.	<input type="checkbox"/> Over 6'	<input type="checkbox"/> Over 200 Lbs.

Other identifying features:

WITNESS FEES

7. ☐

At the time of said service, deponent paid (tendered) in advance \$ the authorized traveling expenses and one day's witness fee.


MILITARY SERVICE

8. ☒

I asked the person spoken to whether defendant was in active military service of the United States or of the State of New York in any capacity whatever and received a negative reply. The source of my information and grounds of my belief are the conversations and observations above narrated. Upon information and belief I aver that the recipient is not in military service of New York or of the United States as that term is defined in either the State or in the Federal Statutes.

Sworn to before me on

APRIL 21, 2008


Tina Marie Tomkins
Notary State of New York
Reg. No. 01T06155313
Qualified in County of Dutchess
Commission Exp. Nov. 6, 2010

X 
RANDOLPH R. FREYTAG